



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Four Penn Center – 1600 John F Kennedy Blvd
Philadelphia, Pennsylvania 19103-2852

VIA ELECTRONIC MAIL
RETURN RECEIPT REQUESTED

Ms. Sharon Levkus
Environmental Health and Safety Manager
Lord Corporation
601 South Street
Saegertown PA, 16433
Sharon_Levkus@lord.com

Request for Information under § 114(a) of the Clean Air Act, 42 U.S.C. § 7414(a)

Dear Ms. Levkus:

The United States Environmental Protection Agency (EPA), Region III hereby requires Lord Corporation (Lord or the Facility), located at 601 South Street, Saegertown, Pennsylvania to provide certain information as part of an EPA investigation to determine the Facility's compliance with applicable standards and requirements under the federal Clean Air Act, 42 U.S.C. §7401 et seq., (CAA or the Act).

Pursuant to Section 114(a) of the CAA, 42 U.S.C. §7414(a), the Administrator of EPA is authorized to require any person who owns and/or operates an emission source to establish and maintain records, make reports, and provide such information as he/she may reasonably require for the purposes of determining whether such person is in violation of any provision of the Act. In order for EPA to determine whether a violation has occurred, you are hereby required, pursuant to Section 114(a) of the CAA, to provide responses to the following questions and requests for information regarding your facility. Therefore, you are hereby required to respond to questions and requests for information in Enclosure 2 (see Enclosure 1 for instructions and definitions). All information submitted in response to this request must be certified as true, correct, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Lord. On the last page of your response(s) to this questionnaire, please include the certification contained in Enclosure 3.

The EPA issues this Request for Information under Section 114(a) of the CAA, 42 U.S.C. § 7414(a). Under Section 114(a), Part A – Air Quality and Emission Limitations, 42 U.S.C. §§ 7414 – Recordkeeping, Inspection, Monitoring, and Entry, the Administrator of the EPA may require any person who is subject to the CAA to perform tests and provide information necessary to determine whether the person is acting or has acted in compliance with the CAA and the regulations promulgated thereunder. The Administrator has delegated this authority to the undersigned Branch Chief, of the Enforcement and Compliance Assurance Division, Air, RCRA, and Toxics Branch, in EPA Region III.

In order for the EPA to determine whether a violation has occurred, you are hereby required, pursuant to Section 114(a) of the CAA, to provide responses to the questions and requests for information in Appendix B to this letter. Failure to provide the required information may result in the issuance of an Order requiring compliance with the requirements, or the initiation of a civil action

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pursuant to Section 113(b) of the Act, 42 U.S.C. §7413(b). In addition, Section 113(c)(2) of the Act provides that any person who knowingly makes any false statement, representation, or certification in, or omits material information from any document required pursuant to this Act shall upon conviction be punished by a fine pursuant to Title 18 of the United States Code, or by imprisonment for not more than two years, or both. The information you provide may be used by EPA in administrative, civil, and criminal proceedings.

EPA requires Lord to submit the requested information electronically no later than **thirty (30) calendar days** from the date of your receipt of this letter. You may submit your response using one of the following options: A) via email to hall.kristen@epa.gov or B) by requesting a link from hall.kristen@epa.gov for a secure EPA file transfer site where you may upload your response. Please note, the EPA cannot receive compressed files (.zip) via email. If you wish to submit compressed files, please select option B above. If you prefer not to send documents that you have claimed as confidential business information (CBI) to the EPA by email, please send them as electronic files through the EPA's secure file transfer site (option B). Prior to submitting your response, please send an email to hall.kristen@epa.gov indicating which option you have selected to submit your response to this request.

Failure to provide all the requested information, and in the format requested, may result in additional inquiries, and may result in the initiation of a civil action pursuant to Section 205(b) of the CAA, 42 U.S.C. § 7524(b). It is important that your responses be clear, accurate, organized, and complete. We will regard any submitted information that is misleading, false, incomplete, or submitted without regard to its accuracy as a violation of the CAA and/or criminal statutes.

You must submit all requested information under an authorized signature with the following certification (provided in Appendix C):

“I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.”

Finally, you are entitled to assert a business confidentiality claim covering all or part of the information you provide in response to this Request for Information, in accordance with the procedures described in the Confidentiality of Business Information (“CBI”) regulations, 40 C.F.R. Part 2, Subpart B. However, no CBI claim may be made with respect to emissions data as defined at 40 C.F.R. § 2.301(a)(2). You must specify the page, paragraph, and sentence when identifying the information subject to your CBI claim. Appendix D of this Request for Information specifies the assertion and substantiation requirements for business confidentiality claims. The EPA may, without further notice, provide the public with any information not subject to a CBI claim.

Please submit the requested information electronically within **30 calendar days of your receipt of this letter**. You may do so via email to Kristen Hall, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency Region III, at hall.kristen@epa.gov. Please note that the EPA email server will allow attachments up to 20 MB. Alternatively, you may want to provide

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documents in response to this Request for Information by way of a secure file sharing site. Please let us know how you want to proceed.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks the collection of information from specific individuals or entities as part of an administrative action or investigation.

If you have any questions regarding this information request, please contact Kristen Hall, of the Enforcement and Compliance Assurance Division at (215) 814-2168 or hall.kristen@epa.gov. Additionally, please visit the small business resources information sheet for assistance and information at <https://www.epa.gov/compliance/small-business-resources-information-sheet>.

Sincerely,

Karen Melvin, Director
Enforcement and Compliance Assurance Division

Enclosures: (4)

Appendix A: Instructions and Definitions
Appendix B: Request for Information
Appendix C: Statement of Certification
Appendix D: Confidential Business Information

cc: Susan Foster, PADEP – sufoster@pa.gov

Appendix A

INSTRUCTIONS AND DEFINITIONS

A. Instructions

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request. Please provide the **requested non-narrative information in spreadsheet format, preferably in Excel.**
2. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
3. Provide as much information possible to completely answer each question. This includes all supporting documentation, such as performance test reports, inspection records, memorandums, facility records, etc. Failure to completely respond to any questions may increase the time necessary to determine compliance with all applicable regulations.
4. For each document provided in response to these questions, provide an accurate and legible copy, which can be used to determine completeness of this request. For any information submitted electronically, clearly label to which question(s) the data is responsive.
5. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
6. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.

B. Definitions

1. All terms used in the Information Request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C Section 7410 or 40 C.F.R. Part 60, Part 61, or Part 63. The term “Facility” shall mean the Lord Corporation facility, located at 601 South Street, Saegertown, Pennsylvania.
2. EPA Region III includes the states of Maryland, Pennsylvania, Virginia, West Virginia, Delaware, and the District of Columbia.

Appendix B

REQUEST FOR INFORMATION

1. Provide any Standard Operating Procedures for the calibration or use of the TVA 2020 or other LDAR monitoring equipment (clearly identify type of equipment) that Lord is currently using for LDAR monitoring. Include copies of:
 - a. calibration records from 2019 to present.
 - b. Provide a description of how daily and quarterly calibrations on each piece of equipment were completed during the period of time.
2. Provide the Leak Detection Monitoring and Repair (LDAR) database from 2019 to the date of this request. This should include the raw data (i.e. LeakDAS, FEMS, etc.) and calibration records. If using an electronic database for raw data, download the data into an EXCEL format. This database should include each monitoring event and should include, at a minimum:
 - a. The component ID;
 - b. the date of the monitoring event;
 - c. the recorded reading;
 - d. the name of the technician conducting the monitoring;
 - e. the type of component;
 - f. the leak definition for the component; and
 - g. the type of instrument utilized to conduct LDAR monitoring.
3. Provide a copy of the inventory (in Excel format) of components that are subject to the Leak Detection and Repair (LDAR) requirements of the CAA. This inventory should include, at a minimum, the unique component identifier, the component type (i.e.; valve, pump, etc.), the type of service (gas vapor, light liquid, heavy liquid), and whether the component is labeled as Difficult to Monitor. Also include in your response which components are subject to the LDAR requirements of the Resource Conservation and Recovery Act (RCRA).
4. If applicable, provide a copy of any LDAR manual or LDAR guidance document prepared by Lord from 2019 to the date of this request.
5. Provide a detailed description of the internal process by which Lord tracks and repairs a leaking component once it has been identified in the LDAR program. In response to this question, provide representative copies of any work orders or other documents which are used to identify and track leaking components in need of repair from 2019 to present.
6. In narrative form from 2019 to present, describe Lord's Leak Detections and Repair (LDAR) program with respect to the following regulations. Include a description of the leak detection equipment used, any contractor used to conduct periodic monitoring, and the facility's processes for identifying affected LDAR components, monitoring, repairing identified leaks, and recordkeeping for all components in the LDAR program:
 - a. 40 CFR Part 63 Subpart F – National Emission Standard for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry
 - b. 40 CFR Part 63 Subpart H – National Emission Standard for Organic Hazardous Air Pollutants for Equipment Leaks
 - c. 40 CFR Part 63 Subpart TT – National Emission Standards for Equipment Leaks - Control Level 1 Standards

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- d. 40 CFR Part 63 Subpart UU – National Emission Standards for Equipment Leaks – Control Level 2 Standards
- e. 40 CFR Part 63 Subpart FFFF - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing
- f. 40 C.F.R. Part 63 Subparts HHHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing
- g. Any other State and Federal LDAR programs to which Lord may be subject.

Appendix C

STATEMENT OF CERTIFICATION

This Certification is for signature by the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions of the corporation.

Lord is submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") request for information, issued pursuant to Section 114(a) of the Clean Air Act, to determine whether the facility is in compliance with the Clean Air Act.

I certify that I am fully authorized by Lord to provide the above information on its behalf to EPA.

I certify under penalty of law that I have personally examined and am familiar with the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

Date: _____
Name (Printed): _____
Signature: _____
Title: _____

Appendix D

CONFIDENTIAL BUSINESS INFORMATION

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414(c), and 40 C.F.R. Part 2, Subpart B (which governs treatment of CBI under both the CAA and RCRA). Under section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, Subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in section 114(c) of the Act and 40 C.F.R. §§ 2.201-2.311. **If you fail to furnish a business confidentiality claim with your response to this information request, the EPA will construe your failure as a waiver of that claim, and the information may be made available to the public without further notice to you.** See 40 C.F.R. § 2.203(c).

Pursuant to Section 114 of the Act and 40 C.F.R. § 2.301(h), the EPA possesses the authority to disclose to any authorized representative of the United States information which might otherwise be entitled to confidential treatment. In order to assist in its review and analysis, and in accordance with the requirements of 40 C.F.R. § 2.301(h)(2), the EPA may disclose information provided in response to this and other information requests to any person under contract or subcontract to the United States government to perform work in support of EPA in connection with the Act or regulations which implement the Act. In accordance with the requirements of 40 C.F.R. § 2.301(h)(3), the EPA may also disclose such information to State and/or local governmental agencies which have duties or responsibilities under the Act, or under regulations which implement the Act.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time you submit your response to this information request.

Please be specific by page (including Bates Stamp, if applicable), paragraph, and sentence when identifying the information subject to your claim. Where your claim, as originally made or as modified by your response to this letter, does not include all information on a page, please attach a copy of each such page with brackets around the text that you claim to be CBI. Please note that if a page, document, group, or class of documents claimed by you to be CBI contains a significant amount of information which our Office of Regional Counsel determines is not CBI, your CBI claim regarding that page, document, group, or class of documents may be denied. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event. All confidentiality claims are subject to EPA verification. If the EPA reviews your CBI claim(s) then the EPA may send notice to your business and ask you to submit additional information to substantiate the CBI claim(s). See 40 C.F.R. § 2.204(e).

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. § 2.208(a)-(d), as well as the U.S. Supreme Court's decision in *Food Marketing Institute v. Argus Leader Media* (*Argus*), 139 S. Ct. 2356 (2019), which evaluated the definition of "confidential" as used in Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552. In the *Argus* decision, the Court held that at least where "[1] commercial or financial information is both customarily and actually treated as private by its owner and [2] provided to the government under an assurance of privacy, the information is 'confidential' within the meaning of Exemption 4." *Argus*, 139 S. Ct. at 2366.

Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).